

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DEW, et al.

Application No.: 10/069,948 ✓

Filed: March 7, 2002

For: RECOVERY OF COPPER FROM COPPER  
BEARING SULPHIDE MINERALS BY  
BIOLEACHING WITH CONTROLLED  
OXYGEN FEED

Atty. Docket No. P.19496/MAJR

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Assistant Commissioner of Patents  
Alexandria, VA 22313-1450

Sir:

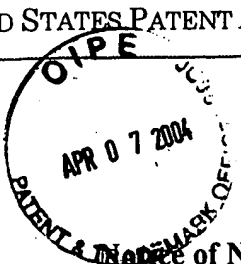
In response to the Notice of Non-Compliant Amendment, which was mailed on March 30, 2004, we have attached a revised section for the amended claims. The cancellation of claims 1-47 has been included with the amended claims section. We have also included a copy of the Notice of Non-Compliant Amendment. This Response has been submitted within the one month time limit specified in the Notice of Non-Compliant Amendment. If any additional fees are required in relation to this amendment, please charge our deposit account 10-1213.

Respectfully submitted,

*Jennifer P. Yancy*  
Jennifer P. Yancy  
Reg. No. 47,003

JONES, TULLAR & COOPER, P.C.  
P.O. Box 2266 Eads Station  
Arlington, VA 22202  
(703) 415-1500  
April 7, 2004

Attorney Docket No. P.19496/MAJR



Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 3/24/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).**

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: claim 1-47 should be present (1-47 cancelled)

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

[Signature]  
Legal Instruments Examiner (LIE)

(571) 272-1022  
Telephone No.